IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 07th February, 2006
Bail Application No. 59 of 2006

Order on the bail application of the accused.

CRIMINAL SIDE

Mohan Singh
S/o Mehendra Singh
R/o Village – Bhanar (Sumalgaon),
Patti – Majkhet, Tehsil – Kapkot,
Bageshwar ……..Applicant

Versus

State of Uttaranchal …….. Opposite Party

In Case Crime No. 1 of 2005
Under Section 302 / 201 I.P.C.
Patti – Majkhet, Tehsil – Kapkot,
District – Bageshwar

Hon'ble J. C. S. Rawat, J.

Heard Sri B.S. Adhikari, learned counsel for the applicant, learned AGA for the State and perused the record.

It was pointed out by the learned counsel for the applicant that the case rests on circumstantial evidence. It was alleged that the incident took place on 13.11.2005 and there was inordinate delay in lodging the F.I.R. and it was lodged only on 16.11.2005. It was further alleged that the applicant/accused was named in the F.I.R. only on the basis of suspicion. It was further contented that the Investigating Officer recorded the statement of Khim Singh and Narendra Singh on 17.11.2005 and they are not the eyewitnesses. They have seen the deceased in the company of the accused. prior to the murder of the deceased. It was further contended that the statement of Hukum Singh which was recorded on 18.11.2005 is not believable because it was recorded after inordinate delay on 18.11.2005 it was further contended that the perusal of the statement reveals that the statement is an afterthought.

Considering the facts and circumstance of the case in totality, it is a fit case for bail.

Let the applicant-accused, Mohan Singh be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the CJM concerned.

(J.C.S. Rawat, J.)

Dated 07.02.2006
Shiv